

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

UNITED STATES OF AMERICA)
)
 v.)
)
 JOSE VISENTE AYALA,)
 Defendant.)
 _____)

Criminal Case No. 2:21CR26 (RCY)

SCHEDULING ORDER

The Court has scheduled this matter for trial to begin on May 24, 2021 at 9:30 a.m. in Norfolk. Consistent with Local Rule 12, the parties shall file all motions within fourteen (14) days of this Order with any responses filed within fourteen (14) days thereafter and any replies within seven (7) days of the filing of the responses. Should the parties wish to have a hearing on a case-dispositive motion (e.g., suppression motion, motion to dismiss the indictment, etc.), the parties may contact the undersigned's courtroom deputy, Julie Jones, to schedule a hearing on the motion on an earlier date.

To ensure efficient litigation of this case, the Court further ORDERS that the parties shall file the following **not later than fourteen (14) days before the scheduled trial**:

1. Trial Brief:

Counsel for each party shall file a trial brief setting forth their view of the case and the elements of the offenses charged, so that the Court has a basic understanding of the case to be tried. Counsel shall also identify any unusual evidentiary issues that may arise during the trial, along with any authority that pertains to the issue. Motions in limine may not be included in the Trial Brief, because the Trial Brief is designed to be an informational aid, not a mechanism to grant a party relief.

2. Jury Instructions:

Counsel for all parties shall jointly file electronically any requested jury instructions, including all requested standard instructions. The submission of proposed jury instructions shall include each requested jury instruction (regardless whether agreed or objected to) fully set forth on a separate page with a citation in

support of the instruction set forth at the bottom of the requested instruction. Counsel shall also provide a copy of the requested jury instructions in WORD format via e-mail to Chambers. Any objections shall be filed not later than three (3) days after the filing of the requested jury instructions. Counsel shall make every effort to resolve objections, to consolidate jury instructions, and to tender an agreed set of instructions to the Court (to be labeled "J-1," "J-2," etc.), including any special interrogatory verdict form. Any proposed instructions as to which there is objection shall be so identified by separate submission and, with regard to each disputed instruction (which shall be numbered and identified by the party submitting it, e.g., "G-1" or "D-1"), the objecting party shall set forth the nature of the dispute, the respective position of the parties and any authority on the issue.

3. Voir Dire:

Counsel for each party shall individually file electronically any proposed voir dire. Counsel shall also provide a copy of the proposed voir dire in WORD format via e-mail to Chambers. Any objections shall be filed not later than three (3) days after the filing of the requested voir dire.

The Court further ORDERS that the parties shall file the following **not later than three (3) days before trial:**

1. Stipulations:

The parties shall jointly file electronically any stipulations.

2. Exhibit List:

The parties shall individually file electronically their proposed Exhibit List. The parties shall also provide a copy of all exhibits in a trial book delivered to the undersigned's chambers along with their Exhibit List and any stipulations. The Exhibit List and the trial book containing the exhibits may be delivered in electronic format (e.g., on a disc or thumb-drive) instead of hard copy if the parties prefer.

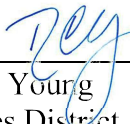
Finally, the Court further ORDERS that the parties shall file two (2) days before trial a witness list identifying any potential witnesses that they may call. Should either party believe that security issues exist that could result in harm to a witness if they were publicly identified, the party may file a motion seeking an exemption for that specific witness. The motion must be filed at least **five (5) days before trial.**

The Court expects all parties to work together to ensure compliance with the above deadlines. Should a party fail to comply with any of the deadlines set forth above, the Court may impose a sanction on the non-complying party.

Finally, nothing in this Order shall be construed to impact the deadlines for discovery as set forth in Fed. R. Crim. P. 16 or as agreed to by the parties, as well as any of the requirements set forth in 18 U.S.C. § 3500 or Fed. R. Crim. P. 26.2.

The Clerk is directed to provide a copy of this Order to all counsel of record.

It is so ORDERED.

/s/ 

Roderick C. Young
United States District Judge

Richmond, Virginia
Date: April 5, 2021